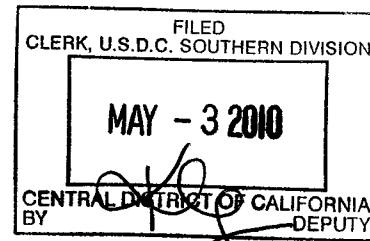


1 Eli Toney DelRay CO # 000155-2  
2 Coalinga State Hospital  
24511 West Jayne Avenue  
P.O. Box 5003 Unit 12  
3 Coalinga, Calif. 93210-5000

4 In Propria Persona



7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**

10 ELI TONEY DELRAY,

11 Petitioner,

12 v.

13 WARDEN,

14 Respondent.

No. CV 10-1845-VBF (RNB)

**OBJECTION TO APPEARANCE BY  
LOS ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE DUE TO  
CONFLICT OF INTEREST**

15  
16 On March 18, 2010, this Court, issued to the Attorney General of California, an Order  
17 Requiring Response To Petition for Writ of Habeas Corpus.

18 On April 14, 2010, Tracey W. Lopez, Deputy District Attorney for the Appellate Division  
19 of the Los Angeles District Attorney's Office, after a claimed communication with the Attorney  
20 General, and without citing authority, (see Declaration attached to Motion for Enlargement of  
21 Time) filed a notice of appearance for Respondent.

22 Also on April 14, 2010, Tracey W. Lopez, Deputy District Attorney, filed a motion for  
23 an enlargement of time in which to file a motion to dismiss the pending Petition for Writ of  
24 Habeas Corpus, which was granted.

25 Petitioner, Eli Toney DelRay, hereby formally objects to this appearance.

26 Petitioner's objection stems from the fact that his petition presents claims of *fundamental*  
27 *jurisdictional errors* that were committed by multiple California State Agencies, which were  
28 empowered by the legislature to implement W&I Code §6600 et seq., (California's Sexually

1 Violent Predator Act) and that petitioners claim of intentional prosecutorial malfeasance by Los  
2 Angeles County Deputy District Attorney, Rick Vagnozzi, presents a conflict of interest. (See  
3 Writ Petition, Arguments IV and V).

4 Accordingly, California Constitution Article 5, § 13, states in pertinent part that, "It shall  
5 be the duty of the Attorney General to see that the laws of the State are uniformly and adequately  
6 enforced. *The Attorney General shall have direct supervision over every district attorney and*  
7 *sheriff and over such other law enforcement officers as may be designated by law, in all*  
8 *matters pertaining to the duties of their respective offices...*", and therefore petitioner seeks  
9 intervention by this Court because petitioner believes that the Los Angeles District Attorneys  
10 Office is not the appropriate representative to address claims that involve multiple state  
11 agencies, or the Due Process errors that occurred prior to the June 18, 1996, filing of the petition  
12 for commitment, which was done under usurped authority.

13 Therefore, for the reasons given above, petitioner requests clarification on whether or not  
14 the Los Angeles County District Attorney's Office is the proper respondent for matters  
15 pertaining to Due Process claims against multiple state agencies, instead of the Attorney  
16 General's Office. (See 28 U.S.C. 2252 and 28 U.S.C. 2254, Rule 4.)

17

18 Respectfully submitted this 26 day of April, 2010, at Coalinga State Hospital, Coalinga,  
19 California.

20

21



22 Eli Toney DelRay CSH # 000155-2  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY MAIL**

The undersigned declares under penalty of perjury that the foregoing is true and correct:

I, George L. Whaley, CSH #000590-0, currently residing at Coalinga State Hospital, 111 West Jayne Avenue, Coalinga, California, 93211-5003, state that I am over eighteen years of age, and not a party to the within cause entitled, Eli Toney DelRay v. Warden, Case # CV-10-10000. VBF (RNB).

On the date of execution hereof, I served the attached **OBJECTION TO**

**APPEARANCE BY LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE DUE  
TO CONFLICT OF INTEREST** upon each addressee by giving a true copy thereof, enclosed  
in a sealed envelope with postage thereon fully prepaid, to the copy room personnel at the  
Coalinga State Hospital, Coalinga, California, in the County of Fresno, for deposit in the United  
States mail, addressed as follows:

**Tracey W. Lopez,**  
Deputy District Attorney  
Los Angeles District Attorney's Office  
320 West Temple St., Suite 540  
Los Angeles, Calif. 90012-3213

**Pamela C. Hamanaka,**  
Senior Assistant Attorney General  
Office of the Attorney General  
300 South Spring Street  
Los Angeles, Calif. 90013

ATTN: Clerk Of Court  
**United States District Court**  
Central District of California  
Western Division  
U.S. Courthouse  
411 West Fourth St., Suite 1053  
Santa Ana, CA. 92701-4516

Executed this 26 day of April, 2010, at Coalinga State Hospital, Coalinga, California, in  
the County of Fresno.

George L. Whaley  
George L. Whaley, CSH #000590-0